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Appl. No. 09/545,872

August 12, 2004

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicant basically:

1. Amends independent claim 1 by including therein the subject matter of now-cancelled dependent claim 94, claims 2 – 5 and 57 – 58 being dependent upon independent claim 1.
2. Amends independent claim 36 by including therein the subject matter of now-cancelled dependent claim 96, claims 27 – 40, 46, 47, 63 and 64 being dependent upon independent claim 36.
3. Amends independent claim 41 by including therein the subject matter of now-cancelled dependent claim 97, claims 42 – 45, 48 – 56 being dependent upon independent claim 41.
4. Amends independent claim 67 by including therein the subject matter of now-cancelled dependent claim 98, claims 68 – 87 being dependent upon independent claim 67.
5. Cancel claims 6 – 21, 59 – 62, 88 – 93, and 95 without prejudice or disclaimer.
6. Respectfully traverses all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

Claims 1-3, 5-17, 19-20, 36-38, 40-52, 54-55, 57-64, 67-69, 71-83, 85-86 and 88-91 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,848,063 to Weaver Jr. et al and further in view of U.S. patent 6,097,954 to Kumar et al and U.S. Patent 5,999,816 to Tiedermann et al (see the paragraph entitled "Claim Rejections - 35 USC §103" on page 3 through the end of the second paragraph of page 9

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of the Office Action). Claims 21, 56 and 87 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,848,063 to Weaver Jr. et al, U.S. patent 6,097,954 to Kumar et al and U.S. Patent 5,999,816 to Tiedermann et al and further in view of U.S. Patent 6,285,883 to Bringby (see the paragraph in bold, underline "Claims 21, and 56 and 87" beginning with the third paragraph on page 9 through the sixth paragraph on page 9 of the Office Action). All prior art rejections are respectfully traversed.

All independent claims require that the user equipment unit, while communicating with a telecommunications network using one of a cell or a current active set of base stations on a first frequency, both (1) maintain a virtual active set of base stations on a second frequency and (2) perform measurements respecting signals on the second frequency for the respective plural base stations of the virtual active set. Further, as now amended, all independent claims additionally require the user equipment unit to switch to the virtual active set of plural base stations (3) without making measurements respecting the signals on the second frequency after a determination has been made that an inter-frequency handover should be performed and (4) before using the virtual active set of plural base stations as a new active set.

An advantage of Applicant's technique is that, upon completion of the switch and the inter-frequency handover, the user equipment unit has an already-prepared set of pre-qualified base stations on the second frequency with which to operate. That is, upon the switch, the virtual active set immediately becomes the active set. At the switch to the second frequency there is no time lost in trying to determine which second frequency cells qualify for use in the (new) active set.

Applicant has already explained in detail how the claim limitations and foregoing advantage are simply not taught or suggested by any applied reference or combination of applied references. Applicants refer to their previous arguments regarding contentions

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(1) and (2) above, and continue to disagree with the examiner on those fundamental matters.

In addition, Applicants note that the Examiner's "Response To Arguments" which preface the final rejection do not even attempt to address the subject matter of claims 9 4 – 98, now grafted into independent claims 1, 36, 41, and 67, respectively. In other words, the Office Action does not rebut Applicants' contention that the applied prior art does not teach or suggest the user equipment unit switching to the virtual active set of plural base stations *without making measurements respecting the signals on the second frequency after a determination has been made that an inter-frequency handover should be performed and before using the virtual active set of plural base stations as a new active set*. That the applied references provide no such basis for rebuttal has been previously explained¹.

Applicants believe that the claims as now amended are clearly allowable, and earnestly entreat the Examiner to allow the same for sake of justice and expediency.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

¹ For example, note that only after Tiedermann determines that a hard handover should be performed does Tiedermann make measurements regarding destination system S2.

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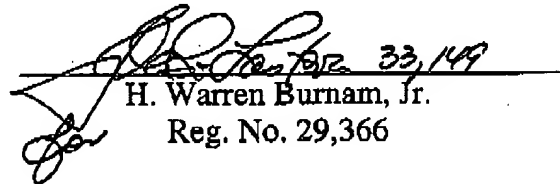
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Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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